

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS MEETING**

MINUTES

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on March 15, 2007, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Architects

John S. Clark, Jr.
J. Everette Fauber, III
Kenneth A. Schwartz

Professional Engineers

Nico De León
Stanley C. Harris, Sr.
Wiley V. Johnson, III (arrived at 9:12 a.m.)

Land Surveyors

John R. McAden
Nancy E. McIntyre
W. R. Stephenson, Jr.

Interior Designers

Lorri B. Finn
Cameron C. Stiles

Landscape Architects

Vaughn B. Rinner
William H. Spell

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
David Ashe, Chief Deputy
Karen W. O'Neal, Deputy Director Licensing and Regulation
Nick A. Christner, Deputy Director Compliance and Investigations
Mark N. Courtney, Executive Director
Sharon M. Sweet, Examination Director
Doug W. Schroder, Director of Adjudication
Marian H. Brooks, Program Administrator
Chris Olson, Administrative Assistant

Eric A. Gregory, Assistant Attorney General, and Steven P. Jack, Assistant Attorney General, were present at the meeting.

Ms. Rinner, Chair, called the meeting to order at 9:01 a.m.

Call to Order

Mr. Spell moved to approve the agenda. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Approval of Agenda

Mr. Courtney introduced Ramona Norris, a new Licensing Specialist, and Chris Olson, Administrative Assistant, who was filling in for Michelle Gowen while she is on maternity leave. Mr. Gregory informed the Board that he was assuming new responsibilities within the Office of the Attorney General and that he would no longer serve as counsel to the Board. Mr. Gregory introduced Assistant Attorney General Steven Jack who would take over as counsel to the Board.

Introductions

Ms. Stiles moved to approve the minutes as written for the following meetings:

Approval of Minutes

- December 12, 2006, APELSCIDLA Board Meeting;
- January 23, 2007, Continuing Education Committee;
- February 6, 2007, Interior Designers Section Meeting; and
- February 20, 2007, Continuing Education Committee.

Mr. Clark seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Public Comment Period – Clifton Strickland, a licensed architect, was present to discuss individuals using the title of “architect” who are not licensed. Mr. Strickland has reported these people to the authorities in the City of Virginia Beach and they have taken no action. Mr. Strickland indicated that he hopes that the Board take action against these individuals in the future under the authority granted to the Board pursuant to HB 1801 which was passed during the 2007 General Assembly Session.

Public Comment Period

Mr. Johnson arrived at 9:12 a.m.

Arrival of Wiley V. Johnson, III

After reviewing the application and Agreement for Registration, Mr. Fauber moved to accept the Agreement for Registration as seen and agreed to by Martinez and Johnson, Architecture PC. Mr. Harris seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Martinez and Johnson, Architecture PC, Agreement for Registration

After reviewing the application and Agreement for Registration, Mr. Fauber moved to accept the Agreement for Registration as seen and agreed to by CIVE Design Group, LP. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

CIVE Design Group, LP, Agreement for Registration

Ms. Stiles disclosed that she is a member of the Council for Interior Design Accreditation Commission as well as former Site Visitor and member of the Evaluation Commission and has visited and acted on accreditation decisions

Consideration of Request from the Art Institute of

for other facilities of the Art Institute; however, she has not visited this particular school and believes she can be fair and impartial in this matter.

The Board members reviewed the information provided by The Art Institute of Washington. Ms. Stiles moved to recommend that the Board approve The Art Institute of Washington's application to be a "professional program approved by the Board" for the June, September, and December 2006 graduates, as the program is substantially equivalent to the CIDA standards. (the Board had granted prior approval for the March 2006 graduates at its December 12, 2006, meeting). Mr. Spell seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Mr. Courtney informed the Board that the Continuing Education Committee had met twice and was making progress in developing draft language for consideration by the Board at its next meeting on June 14, 2007. Mr. Courtney also informed the Board that the Committee was scheduled to meet next on April 3, 2007.

The Board members were provided with a memo from staff about the use of the title "architect" by unlicensed persons. Mr. Courtney prepared the memo for review as requested at the previous APELSCIDLA Board meeting based on a recent Colorado court decision. Mr. Gregory discussed the rights provided for under the First Amendment of the United States Constitution as it relates to the use of the title "Architect." Section 54.1-400, subsections B and C of § 54.1-406, and subsection A of § 54.1-111 of the *Code of Virginia* state that no one may use the title of "Architect" or its derivatives "...in a manner that indicates or implies that it practices or offers to practice architecture..." without holding the appropriate (architect) license issued by the APELSCIDLA Board.

Sharon Sweet, Examinations Director, reviewed the events related to the recent Request for Proposal (RFP) that was issued to establish a contract with a vendor for the administration of the professional engineer, land surveying, and landscape architecture examinations. As part of the RFP process, a panel was formed to review all contract offers that were submitted to decide with whom to enter into negotiations, and then select the company which would be awarded the contract. Ms. Sweet informed the Board that a three-year contract for examination administration services was awarded to the current vendor, PCS.

**Washington to be a
Professional
Program Approved
by the Board**

**Report from
Continuing
Education
Committee**

**Use of Title
"Architect" by
Unlicensed Persons**

**Discussion of
Contract for
Examination
Administration
Services**

Mr. Courtney summarized, and the Board members reviewed, the following legislation considered by the General Assembly during the 2007 Session:

**Discussion of 2007
Legislation**

- HB 1801 – Cease and Desist Authority for the APELSCIDLA Board;
- HB 1950, HB 1951, HB 2182, and HB 2950 – related to the design of onsite sewage systems; and
- HB 3134 and SB 1270 – changes to the Onsite Sewage System Regulatory Program at the Virginia Department of Health (VDH) and transfer of the Authorized Onsite Soil Evaluator regulatory program from VDH to the Department of Professional and Occupational Regulation.

Mr. Christner and Mr. Schroder provided the Board members with training on the *Compliance and Investigations Process*.

**Training on the
Compliance and
Investigations
Process**

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

**Comprehensive
Report of CID
Activity**

The Board members were provided with financial statements from January 2007 for informational purposes.

**Review of Board
Financial Statements**

Mr. Courtney informed the Board that the University of Virginia had recently been announced as the grand prize winner of the 2007 NCARB Prize. In addition, another entry from the University of Virginia was also honored with a prize in the competition.

Other Business

Mr. Courtney provided the Board with information on the new location that the Department will be moving to later this year.

Mr. Courtney provided the Board with copies of the updated regulations that became effective as of February 1, 2007.

Mr. Courtney informed the Board of a recent meeting that Mr. Harris, Ms. O'Neal and he had with representatives from the Institution of Professional Engineers, Japan.

Mr. Courtney informed the Board that VDOT had withdrawn its request that the Board clarify whether traffic impact studies performed by VDOT must be performed by a professional engineer.

Finally, Mr. Courtney informed the Board that due to mail services being centralized, there would be a change in how applications would be sent to the Architect, Landscape Architect, and Interior Designer members of the Board for review. In the future, copies of the applications will be mailed to each Board member, they would review the copies, complete and return the review

sheet to staff, and then destroy the copies of the applications or return the copies to the Board office for destruction.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 10:35 a.m.

Adjourn

Vaughn B. Rinner, Chair

Jay W. DeBoer, Secretary